

### REMARKS

By the present amendment, claims 1, 8 and 11 have been amended; claims 3, 5-7, 10, and 12-38 have been cancelled; and claims 29-52 have been added.

### Claim Rejections - 35 U.S.C. §102.

The examiner has rejected claims 1, 2, 4, 6, 7, 15-17 and 19 as being anticipated by Lee, et al. (U.S. 5,366,593). The applicant has amended each of the pending independent claims to recite as an element either a surfactant or a co-solvent. The disclosure of Lee, et al. does not include these elements, and therefore, the claims as amended as not anticipated by Lee, et al. In view of the claim amendments and comments, the applicant believes that each and every issue raised by the examiner under this rejection has been addressed and overcome.

### Double Patenting.

The examiner has provisionally rejected claims 1, 2, 4, 6-9, 11-17 and 19-23, under the doctrine of obviousness-type double patenting as being unpatentable over claims 8-27 and 34-40 of co-pending application Serial No. 10/693,194. The applicant at this time has not provided a terminal disclaimer in this application, but will consider such a disclaimer in the event the claims in this application and the co-pending application are allowed, and in the form allowed would constitute obviousness-type double patenting.

### Conclusion.

Applicant respectfully submits that the present application is in condition for allowance. The examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matters is respectfully solicited.

Respectfully submitted,

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